

2005 DRAFTING REQUEST

Bill

Received: **08/22/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Jess**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - crimes agnst kids**
Criminal Law - sex offenses

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Unlawful sexual contact done at the direction of a third person

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 08/25/2005	chanaman 09/13/2005		_____			S&L Crime
/1			chaugen 09/13/2005	_____	sbasford 09/13/2005	Inorthro 09/14/2005	

FE Sent For:

→ At Intro.

<END>

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/?	mdsida						
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Ch 9-13
Ch 9-13
RS

FE Sent For:

<END>

Plc from Jess in Sea Darling

— Make ~~SEA~~

948.01 (s) (a)

by the defendant or upon the D's instruction

Also cover adults too in 939 + 940. defin s



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3537/2001

MGD:.....

9/13

chc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Soon

1 **AN ACT** *repeal*; **relating to:** the definition of sexual contact and providing penalties.

Analysis by the Legislative Reference Bureau

Convicting a person of sexual assault or sexual assault of a child requires proof of unlawful sexual intercourse or unlawful sexual contact. Under current law "sexual intercourse" is defined to include conduct involving the victim and a third person if it is undertaken at the defendant's instruction. But the definition of "sexual contact" does not explicitly cover conduct of that type. This bill specifies that sexual contact includes conduct involving a victim and a third person if it is undertaken at the defendant's instruction.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 939.22 (34) of the statutes is amended to read:

3 939.22 (34) "Sexual contact" means the intentional touching by the defendant
4 or, upon the defendant's instruction, by a third person of the clothed or unclothed

intimate parts of another person with any part of the body clothed or unclothed or with any object or device, the intentional touching by the defendant or, upon the defendant's instruction, by a third person of any part of the body clothed or unclothed of another person with the intimate parts of the body clothed or unclothed, or the intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by a third person upon any part of the body clothed or unclothed of another person, if that intentional touching, ejaculation or emission is for the purpose of sexual humiliation, sexual degradation, sexual arousal or gratification.

History: 1971 c. 219; 1973 c. 336; 1977 c. 173; 1979 c. 89, 221; 1981 c. 79 s. 17; 1981 c. 89, 348; 1983 a. 17, 459; 1985 a. 146 s. 8; 1987 a. 332, 399; 1993 a. 98, 213, 227, 441, 486; 1995 a. 69, 436, 448; 1997 a. 143, 295; 2001 a. 109; 2003 a. 97, 223.

SECTION 2. 940.225 (5) (b) 1. of the statutes is renumbered 940.225 (5) (b) 1.

(intro.) and amended to read:

940.225 (5) (b) 1. (intro.) Intentional Any of the following types of intentional touching by the complainant or defendant, either directly, whether direct or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1);

History: 1975 c. 184, 421; 1977 c. 173; 1979 c. 24, 25, 175, 221; 1981 c. 89, 308, 309, 310, 311; 1985 a. 134; 1987 a. 245, 332, 352; 1987 a. 403 ss. 235, 236, 256; 1993 a. 445; 1995 a. 69; 1997 a. 220; 2001 a. 109; 2003 a. 51.

SECTION 3. 940.225 (5) (b) 1. a. of the statutes is created to read:

940.225 (5) (b) 1. a. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.

History: 1975 c. 184, 421; 1977 c. 173; 1979 c. 24, 25, 175, 221; 1981 c. 89, 308, 309, 310, 311; 1985 a. 134; 1987 a. 245, 332, 352; 1987 a. 403 ss. 235, 236, 256; 1993 a. 445; 1995 a. 69; 1997 a. 220; 2001 a. 109; 2003 a. 51.

SECTION 4. 940.225 (5) (b) 1. b. of the statutes is created to read:

1 940.225 (5) (b) 1. b. Intentional touching by the complainant, by the use of any
2 body part or object, of the defendant's intimate parts or, if done upon the defendant's
3 instructions, the intimate parts of another person.

4 **SECTION 5.** 940.225 (5) (b) 2. of the statutes is amended to read:

5 940.225 (5) (b) 2. Intentional penile ejaculation of ejaculate or intentional
6 emission of urine or feces by the defendant or, upon the defendant's instruction, by
7 another person upon any part of the body clothed or unclothed of the complainant if
8 that ejaculation or emission is either for the purpose of sexually degrading or
9 sexually humiliating the complainant or for the purpose of sexually arousing or
10 gratifying the defendant.

History: 1975 c. 184, 421; 1977 c. 173; 1979 c. 24, 25, 175, 221; 1981 c. 89, 308, 309, 310, 311; 1985 a. 134; 1987 a. 245, 332, 352; 1987 a. 403 ss. 235, 236, 256; 1993 a. 445; 1995 a. 69; 1997 a. 220; 2001 a. 109; 2003 a. 51.

11 **SECTION 6.** 948.01 (5) (a) of the statutes is renumbered 948.01 (5) (a) (intro.)

12 and amended to read:

13 948.01 (5) (a) (intro.) Intentional Any of the following types of intentional
14 ~~touching by the complainant or defendant, either directly, whether direct or through~~
15 ~~clothing by the use of any body part or object, of the complainant's or defendant's~~
16 ~~intimate parts~~ if that intentional touching is either for the purpose of sexually
17 degrading or sexually humiliating the complainant or sexually arousing or
18 gratifying the defendant.

History: 1987 a. 332; 1989 a. 31; 1993 a. 446; 1995 a. 27, 67, 69, 100, 214; 2001 a. 16.

19 **SECTION 7.** 948.01 (5) (a) 1. of the statutes is created to read:

20 948.01 (5) (a) 1. Intentional touching by the defendant or, upon the defendant's
21 instruction, by another person, by the use of any body part or object, of the
22 complainant's intimate parts.

23 **SECTION 8.** 948.01 (5) (am) of the statutes is created to read:

1 948.01 (5) (am) Intentional touching by the complainant, by the use of any body
2 part or object, of the defendant's intimate parts or, if done upon the defendant's
3 instructions, the intimate parts of another person.

4 **SECTION 9.** 948.01 (5) (b) of the statutes is amended to read:

5 948.01 (5) (b) Intentional penile ejaculation of ejaculate or intentional emission
6 of urine or feces by the defendant or, upon the defendant's instruction, by another
7 person upon any part of the body clothed or unclothed of the complainant if that
8 ejaculation or emission is either for the purpose of sexually degrading or sexually
9 humiliating the complainant or for the purpose of sexually arousing or gratifying the
10 defendant.

11 History: 1987 a. 332; 1989 a. 31; 1993 a. 446; 1995 a. 27, 67, 69, 100, 214; 2001 a. 16.

(END)

Northrop, Lori

From: Lindsay, Ben
Sent: Wednesday, September 14, 2005 3:11 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3537/1 Topic: Unlawful sexual contact done at the direction of a third person

It has been requested by <Lindsay, Ben> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-3537/1 Topic: Unlawful sexual contact done at the direction of a third person